

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**DANA H. SIZING,**

**Plaintiff,**

**vs.**

**5:21-CV-00548  
(MAD/ML)**

**ACUMEN DETECTION, LLC,  
SRC, INC., TIMOTHY MOSHIER,  
and CHARLES STORMON,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**SMITH, SOVIK, KENDRICK &  
SUGNET, P.C.**  
250 South Clinton Street, Suite 600  
Syracuse, New York 13202  
Attorneys for Plaintiff

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Syracuse, New York 13202  
Attorneys for Defendant

**ADAM P. MASTROLEO, ESQ.**

**Mae A. D'Agostino, U.S. District Judge:**

**ORDER**

Plaintiff, Dana Sizing, brought this action on April 14, 2021, in New York State Supreme Court, Onondaga County. Dkt. No. 2. Plaintiff's complaint asserted various claims pursuant to Article 15 of the New York State Executive Law (hereinafter "N.Y. Human Rights Law"), Title

VII of the Civil Rights Act, and New York State tort law, including claims for sexual harassment, retaliation, and age discrimination. *See id.* On May 12, 2021, Defendants removed this action to the Northern District of New York. Dkt. No. 1. On May 20, 2021, Plaintiff amended her complaint and withdrew her claims for violations of Title VII of the Civil Rights Act. *See* Dkt. No. 7. That same day, Plaintiff moved to remand this action to state court, arguing that since all federal claims have been dismissed, the Court should decline to exercise supplemental jurisdiction over the remaining claims. *See* Dkt. No. 8. On June 10, 2021, Defendants filed a letter with the Court asserting that they did not oppose Plaintiff's motion to remand in light of Plaintiff's withdrawal of all federal claims. Dkt. No. 15.

As Plaintiff has withdrawn all her federal claims and Defendant has consented, Plaintiff's motion to remand is granted.

Accordingly, the Court hereby

**ORDERS** that Plaintiff's Motion to Remand (Dkt. No. 8) is **GRANTED**; and the Court further

**ORDERS** that the Clerk of the Court shall remand this action to the New York State Supreme Court, Onondaga County and close this case; and the Court further

**ORDERS** that the Clerk of the Court shall serve a copy of this Order on all parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: August 3, 2021  
Albany, New York

  
Mae A. D'Agostino  
U.S. District Judge